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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,530	03/06/2002	William Alexander Denny	5966-01-RG	5543

7590

07/08/2003

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EXAMINER

MCKENZIE, THOMAS C

ART UNIT

PAPER NUMBER

1624

DATE MAILED: 07/08/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,530

Applicant(s)

DENNY ET AL.

Examiner

Thomas McKenzie Ph.D.

Art Unit

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-22 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

1. This action is in response to an application filed on 3/6/02. There are 12-22 claims pending. Claims 1-10 are compound claims. Claim 11 is a composition claim. Claims 12-22 are use claims. The application concerns some pteridine compounds, compositions, and uses thereof.

Election/Restrictions

2. Restriction is required under 35 U.S.C. 121 and 372. This application contains the following inventions or groups of inventions that are not so linked as to form a single general inventive concept under PCT Rule 13.1. In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 2,4,5, and parts of 1, 8, 9, and 11, drawn to 2-amino-pteridin-7-one compounds and compositions.

Group II, claim(s) 3, and parts of 1, 8, 9, and 11, drawn to 2-amino-pteridin-6,7-dione compounds and compositions.

Group III, claim(s) 6, and parts of 1, 8, 9, and 11, drawn to 2-amino-5,6-dihydro-pteridin-7-one compounds and compositions.

Group IV, claim(s) 7, 10, and parts of 1 and 11, drawn to 2-amino-7-ureido-pteridine compounds and compositions.

Group V, claim(s) parts of 1 and 11, drawn to 2-thio, 2-sulfoxo-, and 2-sulfonyl-pteridin-7-one compounds and compositions.

Group VI-X, claim(s) parts of 12, 21, and 22, drawn to treating each of the five different diseases listed in claim 12.

Group XI, claim(s) 14 and part of 13, drawn to inhibiting cdc2.

Group XII, claim(s) 15 and part of 13, drawn to inhibiting cdk2.

Group XIII, claim(s) 16 and part of 13, drawn to inhibiting cdk6.

Group XIV, claim(s) 18 and part of 17, drawn to inhibiting PDGF.

Group XV, claim(s) 19 and part of 17, drawn to inhibiting FGF.

Group XVI, claim(s) 20, drawn to treating vascular diseases.

Group XVII-XXXII, claim(s) parts of 22, drawn to treating each of the additional sixteen listed diseases of claim 22 not provided for in Groups VI-X.

3. The inventions listed as Groups I-V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the technical feature of claim 1 are the compounds of the formula listed in the claim. However, many such compounds are known including those taught in Ott (Chem. Ber.). Compound 1, page 340 fits the formula of claim 1 with R^2 = methyl, W = sulfur, R^4 = dimethylamino, $R^6 = R^8$ = hydrogen. Thus, the formula of claim 1 cannot be a special technical feature because it is not novel.

4. According to 37 CFR 1.475 (b) subsection (2) Applicants are entitled to a patent for "[a] product and process of use of said product". This means one single product and one single use of that product, not Applicants' twenty-seven separate uses.

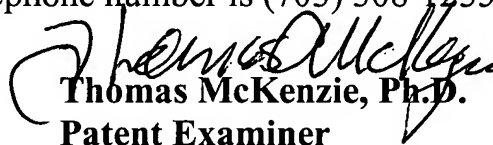
5. If Applicants elect one of the compound groups, Groups I-V, then they are invited to elect a single disease treatment or other use from Groups VI-XXXII to be examined for novelty and enablement.

6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

8. Please direct any inquiry concerning this communication or earlier communications from the Examiner to Thomas C McKenzie, Ph. D. whose telephone number is (703) 308-9806. The FAX number for before final amendments is (703) 872-9306. The Examiner is available from 8:30 to 5:30, Monday through Friday. If attempts to reach the Examiner by telephone are unsuccessful, you can reach the Examiner's supervisor, Mukund Shah at (703) 308-4716. Please direct general inquiries or any inquiry relating to the status of this application to the receptionist whose telephone number is (703) 308-1235.


Thomas McKenzie, Ph.D.
Patent Examiner
Art Unit 1624

TCMcK
July 4, 2003